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Attorneys for Defendant,  
**OHIO SECURITY INSURANCE C**

**UNITED STATES DISTRICT COURT**

**DISTRICT OF NEVADA**

BRETT PRIMACK, individually, ) CASE NO.: 2:18-cv-00561-APG-NJK

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OHIO SECURITY INSURANCE COMPANY,)  
a foreign corporation; LIBERTY MUTUAL )  
INSURANCE COMPANY; and DOES I-X, )  
inclusive, and ROE CORPORATIONS I-X, )  
inclusive. )

## Defendants

Following pretrial proceedings in this case, and pursuant to the party submission of a proposed joint pre-trial order pursuant to DCR LR 16-4,

IT IS SO ORDERED.

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**This is an action for:** alleged Breach of Contract whereby Plaintiff alleges entitlement to receipt from Defendant of uninsured motorist insurance benefits. Defendant disputes Plaintiff's allegations against it.

II.

**Statement of jurisdiction:** this Court has jurisdiction over this matter pursuant to 28 U.S.C. §1441(a), because jurisdiction is created by diversity of citizenship pursuant to 28 U.S.C. §1332(a)(1). There is complete diversity between the parties; Plaintiff is a citizen of

1 Nevada, and Defendant is a citizen of New Hampshire and Massachusetts. The minimum  
2 necessary amount in controversy for diversity jurisdiction is satisfied because Plaintiff alleges  
3 damages in excess of \$75,000.

4 **III.**

5 **The following facts are admitted by the parties and require no proof:** Defendant  
6 issued to Plaintiff an insurance policy with a policy number of BAS55530738, for the period  
7 of May 22, 2014 to May 22, 2015. Defendant paid \$5,000 of medical payments. Plaintiff  
8 received \$15,000 of liability insurance benefits from the insurer for the other driver, Natalie  
9 Heath.

10 The parties reserve the right to supplement this section as needed.

11 **IV.**

12 **The following facts, though not admitted, will not be contested at trial by evidence  
13 to the contrary:** none at this time.

14 The parties reserve the right to supplement this section as needed.

15 **V.**

16 **The following are the issues of fact to be tried and determined upon trial. (Each  
17 issue of fact must be stated separately and in specific time).**

18 Plaintiff:

- 19 A. Whether Defendant breached its contract with Plaintiff in apparently denying his  
uninsured/underinsured motorist claims;
- 20 B. Whether Defendant had a reasonable basis for its apparent denial of Plaintiff's  
uninsured/underinsured motorist claims;
- 21 C. Whether Plaintiff's injuries alleged were proximately caused by the underlying  
collision.
- 22 D. Whether the medical treatment Plaintiff alleges was reasonable and necessary  
for the injuries he is claiming related to the subject collision.
- 23 E. The applicability of Defendant's affirmative defenses; and
- 24 F. The amount of damages to be awarded.

Defendant: liability, duty, fault, injury, proximate causation, damages, entitlement and breach.

VI.

**The following are the issues of law to be tried and determined upon trial.**

Plaintiff: whether Defendant breached its contract with Plaintiff.

Defendant: liability, duty, fault, injury, proximate causation, damages, entitlement and breach.

VII.

9                   (a) The following exhibits are stipulated into evidence in this case and may be so  
10 marked by the clerk:

11 || Ohio Security Insurance Company policy Bates LMIC000001-85.

12 The parties reserve the right to supplement this section as needed.

15 (1) Plaintiff and Defendant stipulate that each side may utilize each other's  
16 exhibits to the extent previously disclosed, and with preservation of arguments regarding  
17 admissibility.

24 (4) The parties reserve their rights to stipulate further.

25                   (c) The Parties' proposed respective exhibit lists follow below, along with any  
26 objections to their admission upon the grounds stated:

27 | //

1           (1)     Defendant's potential proposed exhibits and Plaintiff's objections thereto  
2 **(stated in bold text):**

3       1. *See, Liberty Mutual Insurance Company Documents, Bates Range*  
4                    *LMGIC000086-000982.*

5       2. *See, Liberty Mutual Insurance Company Documents, Bates Range*  
6                    *OSIC000983-002245.*

7       3. *See, medical and billing records received from Advanced Pain Consultants,*  
8                    *Bates Range OSIC002246-002384.*

9                   7/6/2018, Affidavit of Custodian of Records, Advanced Pain Consultants,  
10                   OSIC2246

11 7/6/2018, Advanced Pain Consultants Invoice for Records, OSIC2247

12                   7/2/2018, Subpoena Documents, Advanced Pain Consultants, OSIC2248-  
13                   OSIC2257

14 9/22/2009-07/06/2018, Advanced Pain Consultants, Invoice, OSIC2258

15                   12/7/2014-12/8/2014, Michael Prater, MD, Advanced Pain Consultants  
16                   Medical Records, OSIC2259- OSIC2275

17 4/9/2015, Michael Prater, MD, Advanced Pain Consultants Medical Records,  
18 OSIC2276-OSIC2277

19           10/17/2014-2/27/2015, Michael Prater, MD, Advanced Pain Consultants  
20           Patient Notes, OSIC2278-OSIC2280

4/4/2013-12/13/2013, Rx Search Request Report, OSIC2281-OSIC2282:

**Objection- Unrelated to Plaintiff's UIM claim related to the 10/9/2014 collision, and do not relate to any medical conditions claimed by Plaintiff.**

24 4/20/2015, Michael Prater, MD, Advanced Pain Consultants Medical  
25 Records, OSIC2283

26 12/8/2014, Michael Prater, MD, Advanced Pain Consultants Medical  
27 Records OSIC2288-OSIC2290

1           4/20/2015, Michael Prater, MD, Advanced Pain Consultants Medical  
2           Records, OSIC2291  
3           12/14/2015, Letter Correspondence from Plaintiff's Counsel with Medical  
4           Release Authorization, OSIC2338-OSIC2340: **Objection- OSIC2338-**  
5           **OSIC2340- Lacks foundation as to any evidentiary value regarding**  
6           **Plaintiff's breach of contract claim.**  
7           9/14/2015, Anthem Chiropractic Fax Cover Sheets, OSIC2341-OSIC2345  
8           7/23/2015, Michael Prater, MD, Advanced Pain Consultants Fax  
9           Correspondence, OSIC2346-OSIC2347  
10          5/4/2015, Michael Prater, MD, Advanced Pain Consultants Fax  
11          Correspondence, OSIC2348-OSIC2349  
12          4/25/2015, Michael Prater, MD, Advanced Pain Consultants Fax  
13          Correspondence, OSIC2350  
14          4/9/2015, Michael Prater, MD, Advanced Pain Consultants Medical Records,  
15           OSIC2353-OSIC2354  
16          12/8/2014, Michael Prater, MD, Advanced Pain Consultants Medical  
17           Records, OSIC2356-OSIC2357  
18          1/23/2015, Michael Prater, MD, Advanced Pain Consultants Medical  
19           Records, OSIC2358-OSIC2359  
20          1/7/2014, Michael Prater, MD, Advanced Pain Consultants Medical Records,  
21           OSIC2360  
22          12/15/2014, Patient Referral, OSIC2363-OSIC2364  
23          11/21/2014, Advanced Pain Consultants, OSIC2365-OSIC2366  
24          10/14/2014- 10/15/2014, Advanced Pain Consultants, OSIC2367-OSIC2371  
25          4/15/2015, Advanced Pain Consultants, OSIC2372-OSIC2374  
26          3/17/2015, Advanced Pain Consultants, OSIC2375-OSIC2376  
27          2/27/2015, Advanced Pain Consultants, OSIC2377-OSIC2378  
28          2/18/2015, Advanced Pain Consultants, OSIC2379-OSIC2380

1           11/21/2014, Advanced Pain Consultants, OSIC2381-OSIC2382  
2           10/15/2014, Advanced Pain Consultants, OSIC2383-OSIC2384  
3       4. *See*, medical and billing records received from Anthem Chiropractic, Bates  
4           Range OSIC002385-002602.  
5           7/12/2018, Affidavit of Custodian of Records, Anthem Chiropractic,  
6           OSIC2385-OSIC2386  
7           10/10/2014-12/8/2015, Anthem Chiropractic Charges, OSIC2387-OSIC2390  
8           10/9/2014-10/10/2014, Derek Day, DC, Anthem Chiropractic Medical  
9           Records, OSIC2391-OSIC2412  
10          10/14/2014-1/6/2015, Derek Day, DC, Anthem Chiropractic, OSIC2413-  
11          OSIC2446  
12          1/28/2015, Derek T. Day, DC, Anthem Chiropractic Medical Records,  
13          OSIC2447-OSIC2454  
14          3/3/2015-7/24/2015, Derek T. Day, DC, Anthem Chiropractic Medical  
15          Records, OSIC2455-OSIC2460  
16          9/16/2015-12/8/2015, Derek T. Day, DC, Anthem Chiropractic Medical  
17          Records, OSIC2461-OSIC2463  
18          Photographs, OSIC2464-OSIC2468  
19          7/2/2018, Subpoena Documents and Invoice for Medical Records, OSIC2591-  
20          OSIC2602  
21       5. *See*, medical and billing records received from Coronado Surgery Center,  
22           Bates Range OSIC002603-002659.  
23          07/10/2018, Certificate of Custodian of Records, Coronado Surgery Center,  
24           OSIC2603  
25          7/2/2018, Coronado Surgery Center Subpoena, OSIC2604-OSIC2613  
26          07/12/2018, Coronado Surgery Center Account Statement, OSIC2614  
27          5/10/2016, Coronado Surgery Center Medical Records, OSIC2615-OSIC2659  
28

1       6. *See*, medical and billing records received from Interventional Pain & Spine  
2                  Center, Bates Range OSIC002660-002741.  
3                  7/20/2016-6/26/2018, Interventional Pain and Spine Institute Invoice,  
4                          OSIC2662-OSIC2663  
5                  4/12/2016-8/26/2018, Interventional Pain and Spin Institute Medical Records,  
6                          Jorg Rosler, MD, OSIC2664-OSIC2673, OSIC2688-OSIC2699, OSIC2702-  
7                          OSIC2741  
8        7. *See*, medical and billing records received from Center for Wellness & Pain  
9                  Care, Bates Range OSIC002742-002772.  
10                 7/5/2018, Center for Wellness & Pain Care of Las Vegas, Affidavit of  
11                          Custodian of Records, OSIC2742-OSIC2743  
12                 7/18/2018, Center for Wellness & Pain Care of Las Vegas, OSIC2744  
13                 4/25/2016-5/10/2016, Center for Wellness & Pain Care of Las Vegas Invoice,  
14                          OSIC2745  
15                 4/25/2016-5/10/2016, Center for Wellness & Pain Care of Las Vegas Medical  
16                          Records, Neville Campbell, MD, OSIC2746-OSIC2772  
17        8. *See*, medical and billing records received from Surgical Arts Center, Bates  
18                  Range OSIC002773-002854.  
19                 5/6/2018, Surgical Arts Center, OSIC2773  
20                 7/2/2018, Subpoena Documents, OSIC2774-OSIC2781  
21                 6/22/2017-6/18/2018, Surgical Arts Center Summary, Andrew M. Hall, MD,  
22                          OSIC2782-OSIC2783  
23                 6/18/2018, Surgical Arts Center Medical Records, Andrew M. Hall, MD,  
24                          OSIC2784-OSIC2799, OSIC2802-OSIC2814  
25                 5/10/2018, Interventional Pain & Spine Institute, David Webb, MD,  
26                          OSIC2800-OSIC2801  
27                 6/22/2017, Surgical Arts Center Medical Records, Andrew Hall, MD,  
28                          OSIC2815-OSIC2832

1           10/6/2016, Surgical Arts Center Medical Records, Jorg Rosler, MD,  
2           OSIC2833-OSIC2854: **Objection- OSIC 3112-3113- Lacks foundation as**  
3           **to any evidentiary value regarding Plaintiff's breach of contract claim.**

4         9. *See*, medical and billing records received from Comprehensive Injury  
5           Institute, Bates Range OSIC002855-003323.

6           7/9/2018, Comprehensive Injury Institute, Affidavit of Custodian of Records,  
7           OSIC2855-OSIC2856

8           8/19/2015-01/18/2017, Comprehensive Injury Institute Medical Records,  
9           Jeffrey Gross, MD, OSIC2858-OSIC2970

10          12/8/2014-4/20/2015, Advanced Pain Consultants, OSIC2971-OSIC2976

11          8/19/2015-1/18/2016, Comprehensive Injury Institute, Jeffrey Gross, MD,  
12           OSIC3146-OSIC3188

13          2/1/2016, Letter correspondence from Plaintiff's counsel, OSIC3304-  
14           OSIC3306: **Objection- OSIC3304-OSIC3306- Lacks foundation as to any**  
15           **evidentiary value regarding Plaintiff's breach of contract claim.**

16          12/27/2016, Letter correspondence from Plaintiff's counsel, OSIC3307:  
17           **Objection- OSIC3307- Lacks foundation as to any evidentiary value**  
18           **regarding Plaintiff's breach of contract claim.**

19          8/19/2015, Comprehensive Injury Institute, OSIC3308-OSIC3312

20         10. *See*, medical and billing records received from Desert Institute of Spine Care,  
21           Bates Range OSIC003324-003422.

22          7/25/2018, Desert Institute of Spine Care, Affidavit of Custodian of Records,  
23           OSIC3324

24          7/25/2018, Desert Institute of Spine Care Pre-Payment Invoice, OSIC3325

25          12/11/2014-2/19/2016, Desert Institute of Spine Care Invoice, OSIC3326

26          12/11/2014-7/23/2015, Desert Institute of Spine Care Medical Records,  
27           Andrew Cash, MD, OSIC3327-OSIC3334

28

3                   7/5/2018, Family Doctors of Green Valley Affidavit of Custodian of Records,  
4                   OSIC3423

5 | 7/2/2018, Subpoena Documents, OSIC3424-OSIC3432

6 10/25/2014-4/15/2015, Family Doctors of Green Valley Invoice, OSIC3433

7 10/25/2014-4/15/2015, Family Doctors of Green Valley Medical Records,  
8 Jennifer Relph, PA-C, OSIC3434-OSIC3453

9 10/25/2014, Family Doctors of Green Valley, OSIC3461-OSIC3467  
10 10/25/2014 Family Doctors of Green Valley Ravi Ramanathan MD

QSIC3540-QSIC3541

11/11/2014-3/10/2015, Family Doctors of Green Valley Invoice, OSIC3555-  
OSIC3560

12 See medical and billing records received from Las Vegas Radiology, Bates

Range OSIC003561-003808 (includes radiology disc, bated OSIC003808, as referenced on OSIC003586-003587).

17 | 7/6/2018, Las Vegas Radiology Affidavit of Custodian of Records, OSIC3561

18 | 7/10/2018, Las Vegas Radiology Billing Dept., OSIC3562-OSIC3563

11/19/2014, Las Vegas Radiology, James Balodimas, MD, OSIC3564

20 | 11/5/2014, Las Vegas Radiology, Nadeer Pirani, MD, OSIC3565-OSIC

21 10/10/2014, Las Vegas Radiology, James Balodimas, MD, OSIC35700

22 OSIC3577  
23 7/2/2018, Subpoena Documents, OSIC3578-OSIC3585

24 | 10/10/2014-11/19/2014, Las Vegas Radiology, x ray am

25 CD, OSIC3586-OSIC3807: **Objection- OSIC3892-3909.** Not reasonably  
26 related to the October 9, 2014 collision, no basis alleging any pre-existing  
27 injuries related to the October 9, 2014 collision, Defendant's claims

1                   **decisions not based upon these records, and Defendant's retained medical**  
2                   **expert found no pre-existing treatment impacting his opinion.**

3                 13. *See*, medical and billing records received from Matt Smith Physical Therapy,  
4                   Bates Range OSIC003809-003909.

5                   7/25/2018, Matt Smith Physical Therapy Affidavit of Custodian of Records,  
6                   OSIC3809

7                   7/2/2018, Subpoena Documents, OSIC3810-OSIC3821

8                   7/27/2018, ATI Physical Therapy Invoice for Medical Records, OSIC3822-  
9                   OSIC3823

10                  9/9/2015-1/7/2016, ATI Physical Therapy Patient Ledger Report, OSIC3824-  
11                  OSIC3828

12                  9/9/2015-1/7/2016, Matt Smith Physical Therapy (ATI) Medical Records,  
13                  Wyatt Banks, PT, OSIC3829-OSIC3861

14                  11/5/2014, Las Vegas Radiology, Nadeer Pirani, MD, OSIC3866-OSIC3870

15                  9/2/2015, Matt Smith Physical Therapy, OSIC3871-OSIC3885

16                  8/21/2015, Comprehensive Injury Institute, Jeffrey Gross, MD, OSIC3886-  
17                  OSIC3887

18                  9/2/2015, ATI Physical Therapy Referral Intake Form, OSIC3888-OSIC3889

19                  9/18/2015-1/7/2016, ATI Physical Therapy Communication Log, OSIC3890-  
20                  OSIC3891

21                  7/21/2015-9/6/2015, ATI Physical Therapy Invoice, OSIC3892-OSIC3893:  
22                  **Objection- unrelated to 10/9/2014 UIM claim as body parts involved are**  
23                  **not part of this claim and there is no allegation by Plaintiff that they are**  
24                  **part of this claim.**

25                  6/23/2015, Desert Valley Therapy, OSIC3894-OSIC3902: **Objection-**  
26                  **unrelated to 10/9/2014 UIM claim as body parts involved are not part of**  
27                  **this claim and there is no allegation by Plaintiff that they are part of this**  
28                  **claim.**

1       14. *See*, medical and billing records received from Tenaya Surgical Center, Bates  
2       Range OSIC003910-003936.  
3       7/25/2018, Tenaya Surgery Center Affidavit of Custodian of Records and  
4       Request for Records, OSIC3910-OSIC3912  
5       7/26/2018, Tenaya Surgical Center Invoice, OSIC3913-OSIC3914  
6       4/9/2015, Tenaya Surgical Center Medical Records, Michael Prater, MD,  
7       OSIC3915-OSIC3936  
8       15. *See*, medical and billing records received from Valley Anesthesiology  
9       Consultants, Bates Range OSIC003937-003949.  
10      7/26/2018, DCP Holdings Affidavit of Custodian of Records, OSIC3937-  
11      OSIC3938  
12      5/10/2016, DCP Holdings, LLC Invoices, OSIC3939-OSIC3944  
13      5/10/2016, Valley Anesthesiology Consultants/DCP Holdings Medical  
14      Records, OSIC3945-OSIC3949  
15      16. *See*, additional medical records received from Family Doctors of Green  
16      Valley, Bates Range OSIC003961-003966: **Objection- Not reasonably**  
17      **related to the October 9, 2014 collision, no basis alleging any pre-existing**  
18      **injuries related to the October 9, 2014 collision, Defendant's claims**  
19      **decisions not based upon these records, and Defendant's retained medical**  
20      **expert found no pre-existing treatment impacting his opinion.**  
21      17. *See*, medical and billing records received from Anthem Capital, LLC, Bates  
22      Range OSIC003967-003993.  
23      18. *See*, medical and billing records received from Valley View Surgical, Bates  
24      Range OSIC003994-004013.  
25      19. *See*, billing records received from Capital (Canyon) Medical Billing, Bates  
26      Range OSIC004014-004030.  
27      8/27/2018, Subpoena Documents, OSIC4014-OSIC4030  
28

1       20. *See, medical and billing records received from Orthopaedic Institute of*  
2       *Henderson, Bates Range OSIC0004031-004133: Objection- Not reasonably*  
3       *related to the October 9, 2014 collision, no basis alleging any pre-existing*  
4       *injuries related to the October 9, 2014 collision, Defendant's claims*  
5       *decisions not based upon these records, and Defendant's retained medical*  
6       *expert found no pre-existing treatment impacting his opinion. Objection*  
7       *in that the records are not reasonably connected to the current claims*  
8       *and are clearly more prejudicial than probative.*

9           8/30/2018, Orthopaedic Institute of Henderson Affidavit of Custodian of  
10          Records, OSIC4031-OSIC4032

11           8/29/2018, Request for Documents and Subpoena Documents, OSIC4033-  
12          OSIC4041

13           1/2/2007-8/28/2018, Orthopaedic Institute of Henderson Patient Ledger,  
14          OSIC4042-OSIC4045

15           1/2/2007-12/20/2007, Orthopaedic Institute of Henderson Medical Records,  
16          Craig Clark, MD, OSIC4046-OSIC4111

17           6/8/2007, Desert Valley Therapy, Julie Devlin, PT, OSIC4112-OSIC4113

18           7/18/2007, Desert Valley Therapy, Julie Devlin, PT, OSIC4114

19           4/27/2007, Desert Valley Therapy, Julie Devlin, PT, OSIC4115

20           4/24/2007, Nevada Physicians Imaging, OSIC4116

21           1/15/2007, Desert Radiologists, Kevin Hyer, MD, OSIC4117-OSIC4118

22           1/19/2007-4/26/2007, Nevada Physician's Imaging, Richard Rhee, MD,  
23          OSIC4119-OSIC4120

24           1/15/2007, Desert Radiologists, Morris Schaner, DO, OSIC4121-OSIC4122

25           1/16/2007, Desert Radiologists, Morris Schaner, DO, OSIC4123-OSIC4124

26           1/17/2007, Nevada Physicians Imaging, OSIC4125

27           1/9/2007, Nevada Physicians Imaging, OSIC4126

28           1/8/2007, Desert Radiologists, OSIC4127

1                   4/4/2007, St. Rose Dominican Hospital-Siena Campus, Scott Chang, MD,  
2                   OSIC4128-OSIC4133

3       21. *See, Reynold Rimoldi, M.D.* supplemental report, Bates Range  
4                   OSIC0004134-004135.

5       22. *See, medical and billing records received from Southwest Medical Associates,*  
6                   Bates Range OSIC004308-004584: **Objection- Not reasonably related to**  
7                   **the October 9, 2014 collision, no basis alleging any pre-existing injuries**  
8                   **related to the October 9, 2014 collision, Defendant's claims decisions not**  
9                   **based upon these records, and Defendant's retained medical expert found**  
10                  **no pre-existing treatment impacting his opinion. Objection in that the**  
11                  **records are not reasonably connected to the current claims and are**  
12                  **clearly more prejudicial than probative.**

13       23. *See, correspondence from Summit Medical Group, LLC, Bates Range*  
14                  OSIC004596.

15       24. *See, medical and billing records received from Desert Valley Therapy, LLC,*  
16                  Bates Range OSIC004597-004696: **Objection- OSIC4679-4696- Unrelated**  
17                  **to the 10/9/2014 UIM claim as body parts involved are not part of this**  
18                  **claim and there is no allegation by Plaintiff that they are part of this**  
19                  **claim.**

20                  07/21/2015-08/13/2015, Desert Valley Therapy, LLC records, Jeri Wise, PT,  
21                  OSIC004690-004691, OSIC004694-004695

22                  09/09/2015-01/07/2016, Desert Valley Therapy, LLC records - ATI Physical  
23                  Therapy Patient Ledger Report, OSIC004611-004615

24                  09/09/2015-12/17/2015, Desert Valley Therapy, LLC records, John Lyons, PT,  
25                  OSIC004619- OSIC004638, OSIC004641- OSIC004646

26                  09/29/2015, Desert Valley Therapy, LLC records, Patrick Duffy, PTA and John  
27                  Lyons, PT, OSIC004639, OSIC004640

28

1                   01/07/2016, Desert Valley Therapy, LLC records, Wyatt Banks, PT,  
2                   OSIC004616-004618, OSIC004647-004648

3       25. *See*, medical and billing records received from St. Rose Dominican Hospital-  
4                   Siena Campus, Bates Range OSIC004697-004851: **Objection- Not**  
5                   **reasonably related to the October 9, 2014 collision, no basis alleging any**  
6                   **pre-existing injuries related to the October 9, 2014 collision, Defendant's**  
7                   **claims decisions not based upon these records, and Defendant's retained**  
8                   **medical expert found no pre-existing treatment impacting his opinion.**

9                   10/25/2003-10/26/2003, St. Rose Dominican Hospital- Siena Campus, Mark  
10                  Ferdowsian, DO, OSIC4711-OSIC4734, OSIC4736-OSIC4737

11                  10/26/2003-10/27/2003, St. Rose Dominican Hospital-Siena Campus, Hiran  
12                  Shawn Wijesinghe, MD, OSIC4735, OSIC4738-OSIC4755

13                  9/28/2006-9/29/2006, St. Rose Dominican Hospital-Siena Campus, Timothy  
14                  Robertson, DO, OSIC4756-OSIC4794

15                  4/04/2007-4/04/2007, St. Rose Dominican Hospital-Siena Campus, Craig Clark,  
16                  MD, OSIC4795-OSIC4851

17       26. *See*, City of Henderson Traffic Accident Report, Bates Range OSIC004852-  
18                  004861: **Objection- Unrelated to the 10/9/2014 UIM claim as body parts**  
19                  **involved are not part of this claim and there is no allegation by Plaintiff**  
20                  **that they are part of this claim. Also, the police report is not an**  
21                  **admissible document.**

22       27. *See*, correspondence from AAA Life Insurance Company, Bates Range  
23                  OSIC004862-004874: **Objection- Unrelated to the 10/9/2014 UIM claim as**  
24                  **body parts involved are not part of this claim and there is no allegation**  
25                  **by Plaintiff that they are part of this claim. Objection in that the records**  
26                  **are not reasonably connected to the current claims and are clearly more**  
27                  **prejudicial than probative.**

28

1       28. *See*, Reynold Rimoldi, M.D. supplemental report, Bates Range OSIC004880-  
2                   004881.

3       29. *See*, insurer records, Bates Range OSIC004883-005077: **Objection-**  
4                   **Unrelated to the 10/9/2014 UIM claim as body parts involved are not part**  
5                   **of this claim and there is no allegation that they are part of this claim.**  
6                   **Objection in that the records are not reasonably connected to the current**  
7                   **claims and are clearly more prejudicial than probative. Objection that**  
8                   **Defendant's claims decisions not based upon these records. Objection in**  
9                   **that the files make references and reveal protected information about**  
10                  **parties who are not parties to the instant litigation.**

11       30. *See*, records from Life Time Fitness, Inc., Bates Range OSIC005078-005160:  
12                  **Objection- The Life Time Fitness records make references and reveal**  
13                  **protected information about parties who are not parties to the instant**  
14                  **litigation. Objection, records are overbroad and reveal more than costs of**  
15                  **membership and assessments of Plaintiff.**

16       31. *See*, Reynold Rimoldi, M.D. supplemental report, Bates Range OSIC005161-  
17                  005163.

18       32. *See*, Reynold Rimoldi, M.D. supplemental report, Bates Range OSIC015517-  
19                  015519.

20 Plaintiff further objects to the foregoing exhibits to the extent that the medical  
21 records involve any reference to collateral source documents, such as private health  
22 insurance. Plaintiff also objects to the extent that information regarding medical liens  
23 may be admissible, pursuant to oral argument and/or motions in limine regarding the  
24 same.

25 (2) Plaintiff's proposed Exhibits and Defendant's objections thereto:

**PLAINTIFF'S PROPOSED EXHIBITS**  
**Non-medical**

| Ex. # | Description | Bates Numbers | Defendant Objections |
|-------|-------------|---------------|----------------------|
|-------|-------------|---------------|----------------------|

| <b>Ex. #</b>  | <b>Description</b>  | <b>Bates Numbers</b>   | <b>Defendant Objections</b>  |
|---|---|--|--|
| 1<br>2<br>3<br>4<br>5<br>6<br>7<br>8<br>9<br>10<br>11<br>12<br>13<br>14<br>15<br>16<br>17<br>18<br>19<br>20<br>21<br>22<br>23<br>24<br>25<br>26<br>27<br>28 | 1. Liberty Mutual claim documents<br><br>2. Ohio Claims file documents- Claim #23069451<br><br>3. Ohio Commercial Insurance Claims/Auto & General Liability Quality and Control Standards<br><br>4. Letter Requesting UIM Benefits to Liberty Mutual dated 5/5/2017<br><br>5. Correspondence between the parties from 10/10/14 – 4/27/18<br><br>6. Allstate Letter dated 10/27/2014 re policy limits<br><br>7. Letter dated 6/21/18 to Kortney Peschl at Liberty Mutual<br><br>8. Letter dated 7/6/18 from Koeller, Nebeker, Carlson & Haluck, LLP<br><br>9. Letter dated 7/18/18 to Koeller, Nebeker, Carlson & Haluck, LLP<br><br>10. Defendant Liberty Mutual Insurance Company's responses to Plaintiff's First Request for Production dated 7/2/18<br><br>11. Defendant Liberty Mutual Insurance | LMIC000086-000982<br><br>OSIC00982-002245<br><br>OSIC04136-04307<br><br>PLTF 00001-00465<br><br>PLTF 000466-00546<br><br>PLTF 000548-00609<br><br>PLTF-01194<br><br>PLTF-01195<br><br>PLTF-01196<br><br>PLTF-01197-01224<br><br>PLTF-01225-01242 | Lack of foundation, hearsay, relevance, improper opinions, cumulative, unfair prejudice.<br><br>Lack of foundation, hearsay, relevance, improper opinions, cumulative, unfair prejudice.<br><br>Lack of foundation, hearsay, relevance, improper opinions, cumulative, unfair prejudice, lack of timely and proper production.<br><br>Lack of foundation, hearsay, relevance, improper opinions, cumulative, unfair prejudice.<br><br>Lack of foundation, hearsay, relevance, improper opinions, cumulative, unfair prejudice.<br><br>Incorrect identification, lack of foundation, hearsay, relevance, improper opinions, cumulative, unfair prejudice, lack of timely and proper production.<br><br>Lack of foundation, hearsay, relevance, improper opinions, cumulative, unfair prejudice, lack of timely and proper production.<br><br>Lack of foundation, hearsay, relevance, cumulative, unfair prejudice.<br><br>Lack of foundation, hearsay, relevance, cumulative, unfair prejudice.<br><br>Lack of foundation, hearsay, relevance, improper opinions, cumulative, unfair prejudice. |

| Ex. # | Description   | Bates Numbers     | Defendant Objections   |
|-------|---|-------------------|--|
| 1     | Company's responses to Plaintiff's First Set of Interrogatories dated 7/2/18  |                   | hearsay, relevance, improper opinions, cumulative, unfair prejudice.                     |
| 2     | 12. Defendant Ohio Security's Responses to Plaintiff's First Set of Interrogatories dated 9/14/18                             |                   | Lack of foundation, hearsay, relevance, improper opinions, cumulative, unfair prejudice. |
| 3     | 13. Defendant Ohio Security's Responses to Plaintiff's First Set of Requests for Production dated 9/14/18                     |                   | Lack of foundation, hearsay, relevance, improper opinions, cumulative, unfair prejudice. |
| 4     | 14. Defendant Ohio Security's First Supplemental Responses to Plaintiff's First Set of Requests for Production dated 10/1/18  |                   | Lack of foundation, hearsay, relevance, improper opinions, cumulative, unfair prejudice. |
| 5     | 15. Defendant Ohio Security's Second Supplemental Responses to Plaintiff's First Set of Requests for Production dated 2/13/19 |                   | Lack of foundation, hearsay, relevance, improper opinions, cumulative, unfair prejudice. |
| 6     | 16. Vehicle Property Damage Estimates and Photographs   | PLTF-01275-001306 | Lack of foundation, hearsay, relevance, improper opinions, cumulative, unfair prejudice. |
| 7     | 17. Subpoena Production from the State of Nevada, Division of Insurance Regarding Ohio Security                               | PLTF-01307-001587 | Lack of foundation, hearsay, relevance, improper opinions, cumulative, unfair prejudice. |
| 8     | 18. Subpoena Production from the State of Nevada, Division of Insurance Regarding Liberty Mutual                              | PLTF-01588-002116 | Lack of foundation, hearsay, relevance, improper opinions, cumulative, unfair prejudice. |
| 9     | 19. Defendants Supplemental responses to Plaintiff's Request for Production   | PLTF-02222-02247  | Lack of foundation, hearsay, relevance, improper opinions, cumulative, unfair prejudice. |
| 10    | 20. Correspondence between the Parties March 2018 to November 2018  | PLTF-02117-02209  | Lack of foundation, hearsay, relevance, improper opinions, cumulative, unfair prejudice. |
| 11    | 21. Defendants Supplemental responses to Plaintiff's Request for Production   | PLTF-02222-02247  | Lack of foundation, hearsay, relevance, improper opinions, cumulative, unfair            |

| Ex. # | Description  | Bates Numbers     | Defendant Objections   |
|-------|--|-------------------|--|
|       |  |                   | prejudice.   |
| 22.   | Curriculum Vitae and Fee schedule of Andrew Hall, M.D.   | PLTF-01271-001274 | Lack of foundation, hearsay, relevance, improper opinions, cumulative, unfair prejudice.                                       |
| 23.   | Scott A. Glogovac, Esq. Report dated 8/2/18              |                   | Lack of foundation, hearsay, relevance, improper opinions, cumulative, unfair prejudice.                                       |
| 24.   | Scott A. Glogovac, Esq. Supplemental Report dated 1/8/19 | PLTF-02314-02327  | Lack of foundation, hearsay, relevance, improper opinions, cumulative, unfair prejudice, lack of timely and proper production. |

### Medical

| Exhibit | Business Name   | Physician        | Dates of Service  | Bates Numbers     | Defendant Objections  |
|---------|---|------------------|-------------------|-------------------|---|
| 25.     | Records from Anthem Chiropractic                                  | Derek Day        | 10/10/14-07/24/15 | PLTF-000610-00722 | Lack of foundation, hearsay, relevance, improper opinions, cumulative, unfair prejudice.  |
| 26.     | Records and bill from Advanced Pain Consultants                   | Michael Prater   | 12/8/14-4/20/15   | PLTF000723-00739  | Lack of foundation, hearsay, relevance, improper opinions, cumulative, unfair prejudice.  |
| 27.     | Rec and bills from Center for Wellness and Pain Care of Las Vegas | Neville Campbell | 4/25/16-05/11/16  | PLTF-00740-00768  | Lack of foundation, hearsay, relevance, improper opinions, cumulative, unfair prejudice.  |
| 28.     | Records from Comprehensive Injury Institute/Dr. Jeffrey Gross;    | Jeffrey Gross    | 08/19/15-10/26/16 | PLTF-00769-00858  | Lack of foundation, hearsay, relevance, improper opinions, cumulative, unfair prejudice.  |
| 29.     | Records/billing from Coronado Surgery Center                      | Neville Campbell | 05/10/16          | PLTF-00859-00861  | Lack of foundation, hearsay, relevance, improper opinions, cumulative, unfair prejudicen. |
| 30.     | Records/billing from Desert Institute of Spine Care               | Andrew Cash      | 12/11/14-07/23/15 | PLTF-00862-00952  | Lack of foundation, hearsay, relevance, improper opinions, cumulative, unfair prejudice.  |

| Exhibit | Business Name                                       | Physician                    | Dates of Service   | Bates Numbers            | Defendant Objections  |
|---------|---|------------------------------|--|--------------------------|---|
| 31.     | Records/Billing from Family Doctors of Green Valley | Ravi Ramanathan              | 10/25/14-04/15/15  | PLTF-00953-00977         | Lack of foundation, hearsay, relevance, improper opinions, cumulative, unfair prejudice.                            |
| 32.     | Records/Billing from Interventional Pain and Spine  | Jorg Rosler                  | 07/20/16-04/19/17  | PLTF-00978-00997         | Lack of foundation, hearsay, relevance, improper opinions, cumulative, unfair prejudice.                            |
| 33.     | Records/Billing from Las Vegas Radiology            | Nadeer Pirani                | 10/09/14<br>11/05/14   | PLTF-00998-01019         | Lack of foundation, hearsay, relevance, improper opinions, cumulative, unfair prejudice.                            |
| 34.     | Records/Billing from Matt Smith Physical Therapy    | John Lyons, PT               | 09/09/15-01/07/16  | PLTF-01020-01073         | Lack of foundation, hearsay, relevance, improper opinions, cumulative, unfair prejudice.                            |
| 35.     | Record/billing from Surgical Arts Center            | Jorg Rosler                  | 10/06/16   | PLTF-01074-01076         | Lack of foundation, hearsay, relevance, improper opinions, cumulative, unfair prejudice.                            |
| 36.     | Record/billing from Tenaya Surgical Center          | Michael Prater Raimundo Leon | 04/09/15   | PLTF-01077-01080         | Lack of foundation, hearsay, relevance, improper opinions, cumulative, unfair prejudice.                            |
| 37.     | Billing from Valley Anesthesia Consultants          | Neville Campbell             | 05/10/16   | PLTF-01082; -01086-01088 | Lack of foundation, hearsay, relevance, improper opinions, cumulative, unfair prejudice.                            |
| 38.     | Jeffrey Gross, MD                                   |                              | Life Care Plan/Neurological Supplemental Report Report dated 1/18/17 | PLTF-01089-01102         | Lack of foundation, hearsay, relevance, improper opinions, cumulative, unfair prejudice.                            |
| 39.     | Interventional Pain and Spine                       | Jorg Rosler                  | Cost Estimate for Procedures dtd 5/31/18                             | PLTF-01103               | Lack of foundation, hearsay, relevance, improper opinions, cumulative, unfair prejudice, lack of proper production. |
| 40.     | Updated Records and Billing from                    | Jorg Rosler                  | 07/20/16-06/26/18  | PLTF-01104-01118         | Lack of foundation, hearsay, relevance, improper opinions,  |

| Exhibit | Business Name   | Physician     | Dates of Service  | Bates Numbers      | Defendant Objections   |
|---------|---|---------------|---|--------------------|--|
|         | Interventional Pain & Spine                                   |               |   |                    | cumulative, unfair prejudice.  |
| 41.     | Records from Surgical Arts Center                             | Andrew Hall   | 06/18/18  | PLTF-01119-01193   | Lack of foundation, hearsay, relevance, improper opinions, cumulative, unfair prejudice.                                       |
| 42.     | Updated Record and billing from Interventional Pain and Spine | Andrew Hall   | Records: 07/31/18; 09/06/18<br>Bills: 7/20/16-7/31/18   | PLTF-01267-001270  | Lack of foundation, hearsay, relevance, improper opinions, cumulative, unfair prejudice.                                       |
| 43.     | Neurosurgical Report and bill from Dr. Jeffrey Gross, M.D.    | Jeffrey Gross | Neurosurgical follow-up Second Opinion Consult 11/26/18 | PLTF-02210-02221   | Lack of foundation, hearsay, relevance, improper opinions, cumulative, unfair prejudice, lack of timely and proper production. |
| 44.     | Supplemental Neurosurgical Report by Jeffrey D. Gross MD      | Jeffrey Gross | Neurosurgical Suppl Report 12/01/18                     | PLTF-02248-02280   | Lack of foundation, hearsay, relevance, improper opinions, cumulative, unfair prejudice, lack of timely and proper production. |
| 45.     | Supplemental Neurosurgical Report by Jeffrey D. Gross, M.D.   | Jeffrey Gross | Neurosurgical Supplemental Report 12/02/18              | PLTF-02281-02309   | Lack of foundation, hearsay, relevance, improper opinions, cumulative, unfair prejudice, lack of timely and proper production. |
| 46.     | Interventional Spine and Pain Institute                       | Faisel Zaman  | Record: 12/12/18<br>Bills: 7/20/16-12/12/18             | PLTF-002310-002313 | Lack of foundation, hearsay, relevance, improper opinions, cumulative, unfair prejudice, lack of timely and proper production. |
| 47.     | Supplemental Neurosurgical Report by Jeffrey D. Gross, M.D.   | Jeffrey Gross | Neurosurgical Supplemental Report 12/27/18              | PLTF-002328-002331 | Lack of foundation, hearsay, relevance, improper opinions, cumulative, unfair prejudice, lack of timely and proper production. |
| 48.     | Supplemental Neurosurgical Report by Jeffrey D. Gross, M.D.   | Jeffrey Gross | Neurosurgical Supplemental Report                       | PLTF-002332-002337 | Lack of foundation, hearsay, relevance, improper opinions, cumulative, unfair prejudice, lack of                               |

| Exhibit | Business Name   | Physician  | Dates of Service                                       | Bates Numbers       | Defendant Objections   |
|---------|---|--|--|---------------------|--|
|         |   |  | 01/07/19   |                     | timely and proper production.  |
| 49.     | Interventional Pain & Spine Institute updated Records and Bills | Andrew Hall  | Record: 1/14/19<br>Bills: 07/20/16-01/14/19            | PLTF-002338-002340  | Lack of foundation, hearsay, relevance, improper opinions, cumulative, unfair prejudice, lack of timely and proper production. |
| 50.     | Surgical Arts Center Bill                                       | Andrew Hall  | 01/14/19   | PLTF-002341         | Lack of foundation, hearsay, relevance, improper opinions, cumulative, unfair prejudice, lack of timely and proper production. |
| 51.     | Interventional Pain & Spine Institute updated Records and Bills | Andrew Hall<br>Stuart Baird<br>Faisel Zaman<br>Jorg Rosler | Records: 02/05/19-08/26/19<br>Bills: 07/20/16-08/26/19 | PLTF-002342-002356  | Lack of foundation, hearsay, relevance, improper opinions, cumulative, unfair prejudice, lack of timely and proper production. |
| 52.     | Surgical Arts Center Updated Records and bills                  | Jorge Rosler   | 008/12/19  | PLTF-002357-002380  | Lack of foundation, hearsay, relevance, improper opinions, cumulative, unfair prejudice, lack of timely and proper production. |
| 53.     | Surgical Arts Center Updated Records and Bills                  | Jorg Rosler  | 05/04/20   | PLTF -002381-002388 | Lack of foundation, hearsay, relevance, improper opinions, cumulative, unfair prejudice, lack of timely and proper production. |
| 54.     | Interventional Pain & Spine Institute updated Records and Bills | Jorge Rosler   | 07/20/16-05/18/20                                      | PLTF-002389-002458  | Lack of foundation, hearsay, relevance, improper opinions, cumulative, unfair prejudice, lack of timely and proper production. |

The parties reserve the right to supplement this section as needed.

(d) **Depositions:** Neither side anticipates using depositions in lieu of live testimony; however, they reserve the right to offer deposition testimony should witnesses become unavailable at the time of trial.

(1) Plaintiff may offer the following depositions if witnesses are unavailable:  
Andrew Cash, Michael Prater, Ravi Ramanathan, Derek Day, Jeffrey Gross, Gregory Starr,  
James Carraway, and Kortney Peschl.

*See, Exhibit “1”.*

Defendant objects to Plaintiff's partial disclosure of their intent to present deposition testimony as it is given the afternoon and evening of the date of the deadline for this order and Defendant also objects pursuant to relevance and hearsay concerns.

(2) Defendant may offer the following depositions if witnesses are unavailable:  
Defendant presently does not anticipate presenting deposition testimony and reserves the right  
to seek to present deposition testimony in response to objection to Plaintiff's proposed  
deposition testimony and related objections at the time of the due date of filing this order.

(e) Objections to Depositions:

(1) Defendant objects to Plaintiff's depositions as follows: relevance and hearsay.

(2) Plaintiff objects to Defendant's depositions as follows: relevance and hearsay.

VIII.

**The following witnesses may be called by the parties upon trial:**

(a) Names and addresses of Plaintiff's witnesses.

1- Brett Primack  
c/o Law Offices of Eric R. Blank, P.C.  
7860 W. Sahara Avenue, Suite 110  
Las Vegas, NV 89117

2- Jonathan Senile  
Claims Spec I – PIP/Med  
c/o Koeller Nebeker Carlson and Haluck LLP  
400 South 4th Street, Suite 600  
Las Vegas, NV 89101

3- Sue Ann Pachl  
c/o Koeller Nebeker Carlson and Haluck LLP  
400 South 4th Street, Suite 600

1 Las Vegas, NV 89101  
2

3 4- Austin Fentiman  
4 c/o Koeller Nebeker Carlson and Haluck LLP  
5 400 South 4th Street, Suite 600  
6 Las Vegas, NV 89101  
7

8 5- Kortney Peschl  
9 Senior Tech Claims Specialist II AIC SCLA  
10 Commercial Insurance Claims  
11 c/o Koeller Nebeker Carlson and Haluck LLP  
12 400 South 4th Street, Suite 600  
13

14 6- James Carraway, Esq.  
15 c/o Koeller Nebeker Carlson and Haluck LLP  
16 400 South 4th Street, Suite 600  
17 Las Vegas, NV 89101  
18

19 7- Gregory L. Starr  
20 c/o Koeller Nebeker Carlson and Haluck LLP  
21 400 South 4th Street, Suite 600  
22 Las Vegas, NV 89101  
23

24 8- Gregg Starr as FRCP 30(b)(6) for Ohio Security Insurance Company  
25 For the topics listed below  
26 c/o Koeller Nebeker Carlson and Haluck LLP  
27 400 South 4th Street, Suite 600  
28 Las Vegas, NV 89101  
29

30 1- FRCP 30(b)(6) for Ohio Security regarding OHIO SECURITY'S  
31 INVESTIGATION AND EVALUATION OF PLAINTIFF BRETT  
32 PRIMACK'S UNDERINSURED MOTORIST CLAIM  
33

34 2- FRCP 30(b)(6) for Ohio Security regarding OHIO SECURITY'S  
35 WRITTEN POLICIES AND PROCEDURES AND THE ACTUAL  
36 CUSTOMS AND PRACTICES REGARDING INTAKE, PROCESSING,  
37 HANDLING, INVESTIGATING, EVALUATING AND PROCESSING  
38 UNDERINSURED MOTORIST CLAIMS IN NEVADA SINCE 2013  
39

40 3- FRCP 30(b)(6) for Ohio Security regarding OHIO SECURITY'S  
41 TRAINING AND/OR RE-TRAINING OF CLAIMS  
42 REPRESENTATIVES REGARDING INTAKE, PROCESSING,  
43 HANDLING, INVESTIGATING, EVALUATING AND PROCESSING  
44 UNDERINSURED MOTORIST CLAIMS IN NEVADA FROM  
45 OCTOBER 2009 UNTIL THE PRESENT  
46

47 9- Peggy Yuile  
48 Unit Manager  
49

1 c/o Koeller Nebeker Carlson and Haluck LLP  
2 400 South 4th Street, Suite 600  
3 Las Vegas, NV 89101

4 10- Scott A. Glogovac, Esq.  
5 3975 San Donato Loop  
6 Reno, Nevada 89519

7 11- Dr. Michael A. Prater, M.D  
8 c/o Advanced Pain Consultants  
9 2650 Crimson Canyon Drive  
10 Las Vegas, Nevada 89128

11 12- Dr. Neville Campbell, M.D./MBA  
12 Center for Wellness and Pain Care of Las Vegas  
13 311 North Buffalo Drive, Ste. A  
14 Las Vegas, Nevada 89145

15 13- Dr. Jeffrey D. Gross, M.D.  
16 c/o Comprehensive Injury Institute  
17 2779 W. Horizon Ridge Pkwy, #200  
18 Henderson, NV 89052

19 14- Dr. Andrew M. Cash, M.D.  
20 c/o Desert Institute of Spine Care  
21 9339 W. Sunset Road, #100  
22 Las Vegas, Nevada 89148

23 15- Wyatt Banks, PT 0652  
24 John Lyons, PT 1827  
25 c/o Matt Smith Physical Therapy  
26 500 S. Rancho, Suite 2  
27 Las Vegas, Nevada 89106

28 16- Dr. Derek T. Day, D.C.  
29 c/o Anthem Chiropractic  
30 10170 S. Eastern Avenue, Suite 110  
31 Henderson, NV 89052-3639

32 17- Person Most Knowledgeable(PMK)/Custodian of Records (COR) for  
33 Coronado Surgery Center  
34 2779 W Horizon Ridge Parkway, Suite 140  
35 Henderson, NV 89052

36 18- Ravi Ramanathan, M.D.  
37 c/o Family Doctors of Green Valley  
38 1909 Green Valley Pkwy, 440-355  
39 Henderson, Nevada 89074

1           19-     Jorg Rosler, M.D.  
2                 David Webb, M.D.  
3                 Andrew Hall, M.D.  
4                 Faisel Zaman, M.D.  
5                 c/o Interventional Pain and Spine Institute  
6                 851 South Rampart, Suite 100  
7                 Las Vegas, NV 89145  
8  
9           20-     Person Most Knowledgeable (PMK) and or Custodian of Records (COR) for  
10                 Tenaya Surgery Center  
11                 2800 N. Tenaya Way, Suite 101  
12                 Las Vegas NV 89128  
13  
14           21-     Person Most Knowledgeable (PMK) and or Custodian of Records (COR)  
15                 Surgical Arts Center  
16                 9499 W. Charleston Blvd. Ste. 250  
17                 Las Vegas, NV 89117  
18  
19           22-     Nadeer Pirani, MD  
20                 Person Most Knowledgeable (PMK) and or Custodian of Records (COR)  
21                 Las Vegas Radiology  
22                 PO Box 401180  
23                 Las Vegas, NV 89140  
24  
25           23-     Person Most Knowledgeable (PMK) and or Custodian of Records (COR)  
26                 Valley Anesthesia Consultants  
27                 PO Box 400310  
28                 Las Vegas, NV 89140  
29  
30           24-     **CUSTODIAN OF RECORDS.** Testimony is anticipated from any and all  
31                 custodian of records which are necessary to authenticate documents which  
32                 cannot be stipulated to regarding admissibility by the parties herein.  
33  
34           25-     **BILLING CLERKS.** Testimony is anticipated from any and all billing clerk  
35                 and/or persons most knowledgeable from the offices of the health care  
36                 providers listed above may testify regarding the amounts of the medical bills  
37                 for medical treatment which Plaintiffs have received as a result of the subject  
38                 incident and regarding the reasonable and customary amounts for the medical  
39                 bills.  
40  
41           26-     Any and all witnesses designated by any other Party to this litigation.  
42  
43           27-     Any and all witnesses necessary for impeachment and rebuttal purposes.  
44  
45           28-     (b) Names and addresses of Defendant's potential witnesses.  
46  
47           1.         Plaintiff, Brett Primack

1 c/o Eric R. Blank, Esq.  
2 LAW OFFICES OF ERIC R. BLANK, P.C.  
3 7860 W. Sahara Avenue, Suite 110  
4 Las Vegas, NV 89117  
5 (702) 222-2115

6

7 2. Person(s) Most Knowledgeable for Defendants,  
8 OHIO SECURITY INSURANCE COMPANY  
9 c/o Andrew C. Green, Esq.  
10 KOELLER, NEBEKER, CARLSON & HALUCK  
11 400 S. 4th Street, Suite 600  
12 Las Vegas, Nevada 89101

13

14 3. Greg Starr and/or the Person(s) Most Knowledgeable for Defendants,  
15 LIBERTY MUTUAL INSURANCE COMPANY  
16 c/o Andrew C. Green, Esq.  
17 Koeller, Nebeker, Carlson & Haluck, LLP  
18 400 S. 4th St., Suite 600  
19 Las Vegas, NV 89101

20

21 4. Derek T. Day, D.C. and/or the Person Most Knowledgeable for  
22 ANTHEM CHIROPRACTIC  
23 10170 S. Eastern Avenue, Suite 110  
24 Henderson, Nevada 89052  
25 (702) 614-6777

26

27 5. Ravi Ramanathan, M.D. and/or the Person(s) Most Knowledgeable for  
28 FAMILY DOCTORS OF GREEN VALLEY  
29 291 N. Pecos Road  
30 Henderson, Nevada 89074  
31 (702) 616-9471

32

33 6. Nadeer Pirani, M.D. and/or the Person Most Knowledgeable for  
34 LAS VEGAS RADIOLOGY  
35 P.O. Box 401180  
36 Las Vegas, NV 89140  
37 (702) 254-5004

38

39 7. Michael Prater, M.D. and/or the Person Most Knowledgeable for  
40 ADVANCED PAIN CONSULTANTS  
41 2650 Crimson Canyon Drive  
42 Las Vegas, Nevada 89128  
43 (702) 731-2642

44

45 8. Andrew Cash, M.D. and/or the Person(s) Most Knowledgeable for  
46 DESERT INSTITUTE OF SPINE CARE  
47 9339 W. Sunset Road, #100  
48 Las Vegas, NV 89148  
49 (702) 630-3472

50

51 9. The Person Most Knowledgeable for  
52 TENAYA SURGICAL CENTER  
53 2800 N. Tenaya Way, Ste. 101  
54 Las Vegas, Nevada 89128  
55 (702) 838-7755

10. Jeffrey Gross, M.D. and/or the Person(s) Most Knowledgeable for  
1 COMPREHENSIVE INJURY CENTER  
2 2779 W. Horizon Ridge Pkwy., #200  
3 Henderson, NV 89052  
4 (888) 848-2022
11. Wyatt Banks, P.T., John Lyons, P.T. and/or the Person(s) Most Knowledgeable  
4 for MATT SMITH PHYSICAL THERAPY  
5 500 S. Rancho, Suite 2  
6 Las Vegas, NV 89106  
7 (702) 794-0300
12. David Webb, M.D., Jorg Rosler, M.D. and/or the Person(s) Most  
7 Knowledgeable for INTERVENTIONAL PAIN AND SPINE INSTITUTE  
8 851 S. Rampart Blvd., Suite 100  
9 Las Vegas, NV 89145  
10 (702) 357-8004
13. Neville Campbell, M.D. and/or the Person(s) Most Knowledgeable for  
10 CENTER FOR WELLNESS & PAIN CARE OF LAS VEGAS  
11 311 N. Buffalo Drive, Ste. A  
12 Las Vegas, Nevada 89415  
13 (702) 476-9700
14. The Person Most Knowledgeable for  
13 SURGICAL ARTS CENTER  
14 9499 W. Charleston Blvd., Ste. 250  
15 Las Vegas, Nevada 89117  
16 (702) 833-3600
15. The Person(s) Most Knowledgeable for  
16 VALLEY ANESTHESIOLOGY CONSULTANTS  
17 10120 S. Eastern Ave., Suite 130  
18 Henderson, Nevada 89052  
19 (702) 487-5823
16. The Person Most Knowledgeable for  
19 CORONADO SURGERY CENTER  
20 2779 W. Horizon Ridge Pkwy., Suite 140  
21 Henderson, NV 89012  
22 (702) 589-9250
17. The Person Most Knowledgeable for  
22 ANTHEM CAPITAL FUNDING  
23 7000 Smoke Ranch Road, Suite B  
24 Las Vegas, Nevada 89128  
25 (702) 982-0053
18. The Person Most Knowledgeable for  
25 CANYON MEDICAL BILLING  
26 6325 S. Jones Blvd.  
27 Las Vegas, Nevada 89118  
28 (702) 489-4526
19. The Person Most Knowledgeable for

**VALLEY VIEW SURGICAL**  
1522 W. Warm Springs Road  
Henderson, Nevada 89014  
(702) 471-6777

20. The Person Most Knowledgeable for  
ORTHOPAEDIC INSTITUTE OF HENDERSON  
10560 Jeffreys St., Suite 230  
Henderson, NV 89052  
(702) 565-6565

21. Reynold Rimoldi, M.D.  
c/o Andrew C. Green, Esq.  
Koeller, Nebeker, Carlson & Haluck, LLP  
400 S. 4th St., Suite 600  
Las Vegas, NV 89101  
(702) 853-5500

22. Julie Devlin and/or the Person Most Knowledgeable for  
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1701 N. Green Valley Pkwy., Bldg. 8  
Henderson, NV 89074  
(702) 998-3333

23. Patrick Maffio

24. Jeremy D. Kambel

25. Shayna Lee

26. The Person Most Knowledgeable for TRAVELERS  
One Tower Square  
Hartford, CT 06183  
(860) 277-2623

27. Officer Robert Hunt  
Badge No. 1361  
c/o Henderson Police Department

28. Officer Costolo  
Badge No. 911  
c/o Henderson Police Department

29. Natalie Heath  
800 Capri Drive  
Boulder City, NV 89005

IX.

Counsel have met and herewith submit a list of three (3) agreed-upon trial dates:

- 1           A.     April 26, 2021;
- 2           B.     May 10, 2021; and
- 3           C.     May 24, 2021.

4 It is expressly understood by the undersigned the Court will set the trial of this matter  
5 on one (1) of the agreed-upon dates if possible; if not, the trial will be set at the convenience of  
6 the court's calendar.

X.

It is estimated that the trial herein will take a total of 4 to 5 full trial days.

9 DATED this 20<sup>th</sup> day of January 2021.

10 APPROVED AS TO FORM AND CONTENT:

11 | LAW OFFICES OF ERIC R. BLANK, P.C. KOELLER, NEBEKER, CARLSON & HALUCK, LLP

13 By: /s/ Eric R. Blank, Esq.  
14 ERIC R. BLANK, ESQ.  
15 Nevada Bar No. 6910  
16 7860 West Sahara Ave, Suite 110  
Las Vegas, NV 89117  
Attorneys for Plaintiff,  
BRETT PRIMACK

By: /s/Andrew C. Green, Esq.  
ANDREW C. GREEN, ESQ.  
Nevada Bar No. 9399  
400 S. 4<sup>th</sup> Street, Suite 600  
Las Vegas, NV 89101  
Attorneys for Defendant,  
OHIO SECURITY INSURANCE  
COMPANY

1 XI.

2 ACTION BY THE COURT

3 This case is set for bench trial on the stacked calendar on May 17, 2021 at 9:00 a.m. Calendar  
4 call will be held on May 11, 2021 at 8:45 a.m. in LV Courtroom 6C.

5 This pretrial order has been approved by the parties to this action as evidenced by their  
6 signatures or the signatures of their attorneys hereon, and the order is hereby entered and will  
7 govern the trial of this case. This order may not be amended except by court order and based  
8 upon the parties' agreement or to prevent manifest injustice.

9

10

11

12 DATED: January 22, 2021

13

14

15 Respectfully Submitted By:

16 KOELLER, NEBEKER, CARLSON  
& HALUCK, LLP

17

18 By: /s/Andrew C. Green, Esq.

19 ANDREW C. GREEN, ESQ.

20 Nevada Bar No. 9399

21 400 S. 4<sup>th</sup> Street, Suite 600

22 Las Vegas, NV 89101

23 Attorneys for Defendant,

24 OHIO SECURITY INSURANCE COMPANY

25

26 ***NOTICE: Due to the unusually large number of complex criminal cases set for lengthy trials  
before this Court, civil trials may possibly be held in a trailing status for months or be assigned  
to another District Court Judge for trial. Therefore, the Court strongly urges the parties to  
consider their option to proceed before a Magistrate Judge pursuant to Local Rule IB 2-2, in  
accordance with 28 USC Section 636 and FRCP 73.***

27

28 ***The Clerk shall provide the parties with a link to AO 85 Notice of Availability, Consent and  
Order of Reference - Exercise of Jurisdiction by a U.S. Magistrate Judge form on the Courts  
website.***



UNITED STATES DISTRICT JUDGE

# EXHIBIT “1”

## Deposition Transcript Excerpt List



KOELLER ■ NEBEKER  
CARLSON ■ HALUCK LLP

400 S. 4th Street, Suite 600  
Las Vegas, NV 89101

GREGORY STARR

p. 15: 22-25- 16: 1-3- Position with Liberty Mutual

p. 17:6 – 27:19, 33:4-10- FRCP 30(b)(6)

27:20 - 33:3- NV UIM, HIU Unit, Complex Claims, Claims value

33:12- 36:23- Claim value

38:1- 39:8- Claim value

39:9- 41:2- Duty

41:18- 43:6- Duty/Valuation

43:14- 47:9- Rimoldi/Valuation

47:15- 49:6- Valuation

66:4- 68:20- Rimoldi

71:22- 74:15- Claims

77:13- 83:14- Value of Claim

90:8- 94:7- Adjusting claim

95:17- 99:11- Breach of contract

101:13- 111:10- Value of Claim

121:19- 125:16- Payments on claims

131:6- 133:12- Rimoldi

136:16- 137:9- Rimoldi

137:22- 158:20 - Claim Evaluation

159:23- 176:15- Claim Handling

177:7- 180:19- Limits

183:8- 187:2- Claim Handling

187:14- 200:15- Claim Handling

224:13- 225:18- Claim Evaluation

226:18- 228:7- Prior injury

229:8-12- Investigation- Settling Claim

230:3- 231:15- Investigating

232:16- 243:18- G4S Consulting

244:4- 246:17- Ongoing investigation

255:19- 257:4- Claims handling

257:10- 258:15- Claims evaluation

JAMES CARRAWAY-

12:4- 13:24- Background with Liberty Mutual  
17:15-20- Last worked for Liberty Mutual  
21:11- 24:13- Role with Liberty Mutual/Ohio Security  
24:14-19, 28:14- 30:7- Valuation of claim  
30:10- 31:15- Status of Primack claim while Carraway involved  
42:8-23- Offers and mediation in prior UIM cases  
43:1- 46:17- Payment of funds in UIM claims  
46:19- 49:18- UIM Claims and Investigation  
49:19- 59:20- Carraway Medical Investigation- Primack Claim  
60:5- 66:22- Communications while at Liberty Mutual/Looking up claims/E-mails lost  
70:2- 77:6- Accessing clams and files in computer system  
77:7- 80:12- Review of Primack letter requesting benefits  
82:5- 90:17- Communication on claim  
90:18- 101:2- Ongoing communication and file management in Primack claim  
101:5- 107:10- Adjuster files and Carraway computer and paper files on Primack claim- E-mails in and not in computer system  
107:11- 111:10- Attorney handling of claims file  
111:11-24, 115:17- 117:2- Attorney direction from adjuster handling Primack- Communication with Kortney Peschl  
118:13- 120:11- Handling of case pre-litigation  
120:13- 123:4- Communication on Primack claim and tasks performed  
123:19- 135:10- Communications with adjuster and counsel, form letters  
135:11- 139:8- Investigation, disclosure of claim  
139:9 -144:2- Working on Primack case, Dr. Porter  
144:4- 159:21- Information needed for claim, Rimoldi, Medical Evaluation and Doctors to perform evaluation  
159:22- 160:6- Rimoldi's office losing file  
161:18- 163:4- Notebooks to retained doctors

163:5- 164:10- Films for IME, Films lost

164:16- 173:16- Hammer letter for IME regarding Rimoldi and potential issues with Rimoldi

173:17- 195:4 - Rimoldi and Rotation of Experts and Retaining Experts, Pre-payment of Expert Fees

195:13- 202:16- Rimoldi IME concerns and Liberty Mutual use of Rimoldi

203:6- 211:10- Rimoldi IME Report

211:11- 220:3- Liberty Mutual Liability and Offers, Rimoldi

220:4- 227:22- Rimoldi Report, Case Valuation

228:4-246:18 - Communication with adjuster and Plaintiff

246:20- 247:25- Mediation and work on claim

247:13- 258:17- Litigation budget and expense on file

258:25- 270:6- Training

270:7- 273:2- Training and interacting with adjusters

273:3- 276:14- Case responsibilities with Kortney Peschl

279:22- 285:2- Personnel Evaluations and work with adjusters

285:25- 292:18- Tasks on case and communication with Plaintiff

292:20- 298:10- Offers on UIM case, Rimoldi, Pre-existing

298:12- 307:17-Recorded Statement, Opinion on Plaintiff, Experts on Claim, Reports to Adjuster on Claim

307:18- 312:19, 313:15- 314:3- Ohio Security Position on Primack Claim

315:25- 326:16- Primack Treatment and Claim Handling and Tasks on Case

KORTNEY PESCHL

21:9 – 28:11- Position and responsibilities

30:6- 31:22- Claim reference

32:14- 41:12- Claim Valuation

41:13- 48:4 – Duties

50:18- 56:12- Access to Claim

56:19- 66:5- Claims management

68:16- 70:23- Complex cases like Primack

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86:7- 91:22- Claims handling

96:24-25- Peschl initial case involvement

101:7- 109:3- Claims handling

110:1- 118:25- Claims handling

120:1- 129:22- Treatment and valuation

130:23- 137:25- Treatment, Valuation, Dr. Gross

138:1- 139:3 -Treatment

140:20- 147:9- Communication regarding claim

148:3- 169:23- Communications and Medical Evaluation

170:10- 172:23- Rimoldi

173:4- 182:6- Rimoldi and Rimoldi Report

183:15- 186:25- Rimoldi and adjusting

187:1- 198:18- Valuation of claim

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205:9- 209:1- Communication re: Claim

213:22- 219:17- Ongoing adjusting and valuing of claim

220:18- 229:15- Claim reserves

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240:5- 243:24- Expenses related to Claim investigation

243:25- 250:23- Rimoldi handling within file  
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269:8- 274:2 - Communications re: claims  
274:3- 280:8- Communication re: Delayed Rimoldi report  
281:19- 303:18- Taking over a claim and ongoing claims handling  
317:20- 328:8- Obtaining Claims decision  
330:5- 330:18- Changes to handling of Primack UIM claim  
333:7- 334:16- Any pending documents